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## City of Harrisburg Office of the City Solicitor

*Via email to [jorddavis@pa.gov](mailto:jorddavis@pa.gov)*

June 28, 2019

Jordan Davis, Esquire  
Office of Open Records  
333 Market Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101-2234  
[jorddavis@pa.gov](mailto:jorddavis@pa.gov)

**Re: OOR Dkt. # AP 2019-0940**

Dear Appeals Officer Davis:

On behalf of the City of Harrisburg, please consider this letter and the accompanying documents to serve as my Entry of Appearance and a submission in response to the OFFICIAL NOTICE OF APPEAL – DOCKET #AP 2019-0940 dated June 19, 2019.

Requester, J. Ader of MuckRock News, submitted a Right to Know Request, dated May 2, 2019, to the City of Harrisburg seeking: “All documents pertaining to all/any CRIMEWATCH Technologies products(s)”. The Request was received by the designated Right to Know Officer on May 3, 2019. The Request was responded to within five (5) days of its receipt by the designated Right to Know Officer, on May 7, 2019, at which time a thirty (30) day extension was taken. A final response was submitted to Requester via email at the conclusion of the extension period, on June 6, 2019.

As Requester’s Appeal seeks only reconsideration of the fifth item, referenced in the appeal as “[t]he fifth item seeking 5) ‘Any/all manual regarding CRIMEWATCH Technologies products/services’” which was denied, no other parts of Requester’s Right to Know Request will be addressed in this submission in Appeal #AP 2019-0940.

The records sought as described in the fifth item are exempt pursuant to Section 708(b)(11) of the RTKL, which states that “a record that constitutes or reveals a trade secret or confidential proprietary information” is exempt from disclosure.

The City of Harrisburg contacted Matt Bloom at CRIMEWATCH who stated that CRIMEWATCH's position was that any manuals that may be in possession of the City were exempt from disclosure under §708(b)(11) of the Right to Know Law. Accordingly, the City denied disclosure under §708(b)(11).

Upon receipt of the Appeal the Right to Know Officer contacted CRIMEWATCH Technologies, Inc. pursuant to RTKL 1101(c). CRIMEWATCH has represented to the City of Harrisburg that it will submit a position statement supporting the proposition that any training manuals that do exist are exempt from disclosure under §708(b)(11) of the Right to Know Law.

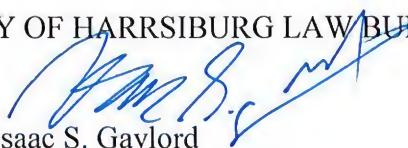
The City of Harrisburg does not have any records in its direct possession, custody, or control that are responsive to the request on appeal. The City of Harrisburg's Open Records Officer, Tamara Life, attests that she coordinated a thorough examination of the City's records, particularly in the Police Bureau, and determined that there were no responsive records. (Exhibit "A"). In an appeal before the Office of Open Records sworn statements constitute sufficient evidence to support dismissal of an appeal. Moore v. Office of Open Records, 992 A.2d 907, (Pa. Commw. 2010).

In conclusion, the City of Harrisburg respectfully requests the appeal be dismissed in light of the above-stated exemptions and consideration of the arguments advanced by CRIMEWATCH.

Respectfully,

CITY OF HARRISBURG LAW BUREAU

By:



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ISG/tll

Encl.

cc: J. Ader (w/encl. via email)

# **Exhibit A**

**Neil A. Grover**  
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### ATTESTATION REGARDING CRIMEWATCH TECHNOLOGIES, INC.'S TRAINING MATERIALS

**Name of Requester:** J. Ader  
Muckrock News  
411A Highland Avenue  
Somerville, MA 02144

**Records Requested:** See Attached Copy of Request

**Appeal Caption:** OOR Dkt. AP 2019-0940

I, Tamara L. Life, hereby declare, pursuant to 18 Pa.C.S. § 4904, that the following statements are true and correct based upon my personal knowledge, information, and belief:

1. I served as the Open Records Officer for The City of Harrisburg (“Agency”) and was responsible for responding to Right-to-Know requests filed with the Agency at the time of the request.
2. In my capacity as the Open Records Officer, I was familiar with the records of the Agency.
3. I coordinated an examination of files in the possession, custody, and control of the Bureau of Police for records responsive to the request underlying this appeal.
4. In the course of my investigation I found that CRIMEWATCH has never given the City of Harrisburg a training manual and that no such manual exists within the possession, custody, and control of the City of Harrisburg.

Date: June 28, 2019

Signature: /s/ Tamara L. Life

Tamara L. Life  
Right to Know Officer  
City of Harrisburg